

Region 4 Weekend Report

8/10/17

Hot Issues

Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL

Key Message: Chemours (formerly DuPont) manufactures the chemical GenX, a processing aid that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). The free acid GenX precursor chemical has been found in the Wilmington, NC, drinking water system.

- **(Update)** On August 8, 2017, Region 4 provided an update to the North Carolina Department of Environmental Quality (NDEQ), via conference call, regarding the status of its investigation resulting from the June 28-29, 2017, TSCA Inspection at the Chemours facility.
- **(Update)** On August 9, 2017, Region 4 participated on a call coordinated by the HQ Office of Congressional and Intergovernmental Affairs with Senator Burr's Office (South Carolina) and the mayor of Wilmington and county commissioners to provide an update on the EPA's work with the state of NCDEQ on the concerns about the contaminants from the Chemours facility in the Cape Fear river.
- **(Update)** EPA Region 4 also received from Chemours the final inspection data (records) that were requested during the June TSCA inspection. The records are currently being reviewed and analyzed to determine compliance with the applicable TSCA sections.

Ensyslex, II Imports Matter – ENFORCEMENT CONFIDENTIAL

Key Message: EPA Region 4 recommended a Stop Sale, Use or Removal Order (SSURO) to allow Ensyslex, II to relabel a Federal Insecticide, Fungicide, and Rodenticide Act noncompliant imports shipment and achieve compliance. On July 19, 2017, Region 4 submitted a request to the Office of Enforcement and Compliance Assurance to expedite a decision to proceed with the issuance of the SSURO.

- On July 27, 2017, Region 4 issued a SSURO to Ensyslex II.
- **(Update)** August 9, 2017, Region 4 staff is working with involved parties to ensure appropriate relabeling of the product to bring it into compliance.

Title V Petition – TVA Gallatin Power Plant

Key Issues: On May 15, 2017, the Sierra Club filed suit against the Administrator for EPA to respond to their title V petition to object to the TVA Gallatin permit. EPA filed a response to the court on July 21, 2017. The court issued a "Minute Order" directing parties to meet and confer and, no later than August 4, 2017, jointly file a proposed schedule for summary judgment briefing, or reasons why this matter cannot proceed immediately to briefing. Regional staff is working with the Office of Air Quality, Planning, and Standards and the Office of General Counsel (OGC) to develop options to respond.

- **(Update)** At the direction of Office of Regional Counsel, Region 4 has asked Tennessee Department of Environment and Conservation for an email stating their expected timeline for finalizing a title V permit modification that addresses some of the petition issues. The public comment period for this modification ends on August 9, 2017.
- **(Update)** In addition, OGC has requested a declaration from the Region 4 APTMD Director related to its review of the documents and the revised permit. OGC / Department of Justice (DOJ) filed the response on August 4, 2017. In the response, DOJ asked for a stay while TDEC completes the final permit which will address a portion of the issues raised by the petitioner.

Savannah River Site (U.S. DOE; Aiken, SC)

Key Message: The South Carolina Attorney General's Office filed a lawsuit to recover \$100 million it claims DOE owes the State for failing to meet its promise to remove plutonium from the Savannah River Site.

- The lawsuit does not impact the EPA's oversight of the Superfund activities at the Site and EPA has no authority over the issue.
- The lawsuit was brought on by the lack of funding to build the Mixed Oxide Fuel Fabrication Facility, which would be used to down blend weapons grade plutonium in an effort to remove the plutonium from the State of South Carolina.

Mississippi Phosphates Corporation Site (Pascagoula, MS)

Key Message: Due to heavy rainfall events, a 72-hour emergency bypass was implemented on July 25th to maintain necessary freeboard.

- **(Update)** As of August 9, 2017, a second bypass had discharged 30 million gallons. The action was deemed necessary to prevent potential inundation of the in-situ wastewater treatment system, which would greatly impair the ability to maintain Site stability.
- A geophysical evaluation to determine the structural stability of both the West and East stacks is anticipated to begin mid to late August. Emergency repairs to address a sinkhole at the West Stack also began. Repairs are anticipated to be completed by early September 2017.

Upcoming Public Events

None this week

Upcoming Major Decisions

Paducah Gaseous Diffusion Plant (Paducah, KY)

Key Message: The EPA, State of Kentucky, and DOE executed a Memorandum of Agreement (MOA) on the C-400 Complex to document the priorities for development and submission of the FY 2018 Site Management Plan (SMP).

- The MOA incorporates agreements related to reprioritization of the work for the C-400 Complex including integration of the Phase IIb groundwater source area Interim Action.
- According to the agreement, the FY 2018 SMP will also provide an out year enforceable milestone for the Remedial Action Start in FY 2024.

Last Week Highlights

Outreach to Tribal Entities on Children's Environmental Health and Lead issues

Key Issues: Each year, the Eastern Band of Cherokee Indians hosts a Children's Trout Derby in Cherokee, North Carolina. EPA Region 4 staff participate in the event and take the opportunity to reach large numbers of children, parents and teachers to educate them on environmental health hazards.

- Representatives from the Children's Environmental Health, Water, Lead and Tribal Programs conducted environmental health educational programming at the 16th Annual Talking Trees Children's Trout Derby on August 4 - 5, 2017, in Cherokee, N.C.
- EPA representatives engaged children in many interactive games to teach them about water quality, air pollution, lead, pesticides, the SaferChoice label and conservation. The activities were so popular, children stood in long lines to participate. Volunteers from the community, including a student with the Cherokee Boys and Girls Club and interns from the Great Smokey Mountain National Park Service, helped conduct educational activities.
- This year, EPA interacted with over 2,000 children and their families.